



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,346	10/19/2000	Giles Roger Frazier	AUS9-2000-0632-US1	6625

32329 7590 06/17/2005

IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11400 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

Application No.

09/692,346

Examiner

Bradley Edelman

Applicant(s)

FRAZIER ET AL.

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's appeal brief filed on February 7, 2005.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 17 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/2/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Bradley Edelman

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Tkacs on June 2, 2005.

In addition to the Examiner amendments entered on March 30, 2005, the application has been further amended as follows:

IN THE CLAIMS:

- a. In claim 16, on line 4, before the phrase "network computing," delete the word "the" and replace it with the word --a--.
- b. In claim 17, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- c. In claim 18, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- d. In claim 19, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- e. In claim 20, on line 1, replace the phrase "network computing system" with the word --apparatus--.

Art Unit: 2153

- f. In claim 21, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- g. In claim 22, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- h. In claim 23, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- i. In claim 24, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- j. In claim 25, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- k. In claim 26, on line 1, replace the phrase "network computing system" with the word --apparatus--.
- l. In claim 27, on line 1, replace the phrase "network computing system" with the word --apparatus--.

Allowable Subject Matter

2. Claims 1-28 are allowed.

The following is an examiner's statement of reasons for allowance: Examiner finds Applicant's arguments submitted in the Appeal Brief filed on February 7, 2005 to be persuasive.

Notably, regarding claim 1, none of the cited prior art references disclose or render obvious the claimed method for selecting a master in a network computing

Art Unit: 2153

system, including discovery requests and responses as claimed, wherein the first subnet manager shifts to a standby mode if a second priority received from a second subnet manager within the system is higher than a first priority assigned to the first subnet manager, and wherein the first subnet manager shifts to a standby mode if no response is received from any node containing a subnet manager having a priority higher than the first priority and if discovery of the other nodes within the network computing system is complete. These features are enabled at least on pages 25-29 of Applicant's specification.

Claims 2-12 depend from claim 1 and are thus allowed for the same reasons.

Claims 13 presents a system for performing the same method as claim 1 and is thus allowed for the same reasons.

Claim 14 depends from claim 13, and is thus allowed for the same reasons.

Claim 15 presents a system for performing the same method as claim 1 and is thus allowed for the same reasons.

Claim 16 presents an apparatus for performing the same method as claim 1 and is thus allowed for the same reasons.

Claims 17-27 depend from claim 16, and are thus allowed for the same reasons.

Claim 28 presents a computer program product on a tangible computer readable medium for performing the same method as claim 1, and is thus allowed for the same reasons.

Art Unit: 2153

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is 571-272-3953. The examiner can normally be reached from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached at 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley Edelman

BE

June 2, 2005